

**New Mexico
Department of Game and Fish**



**Statewide Law Enforcement
Operational Procedures
2012 - 2017**

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NEW MEXICO DEPARTMENT OF GAME AND FISH STATEWIDE LAW ENFORCEMENT OPERATIONAL PROCEDURES

1. INTRODUCTION

Law Enforcement efforts directly affect the success of the Department's Strategic, Operational and species management plans as they relate to meeting wildlife management objectives and public expectations. Wildlife management objectives such as determining numbers and types of wildlife taken, and providing opportunities for hunting and fishing activities are formulated into rules promulgated by the State Game Commission. In addition, statutory laws promulgated by the New Mexico State Legislature empower the Department to protect the game and fish of New Mexico. In many instances, laws and rules are only effective to the extent that they are enforced. The intent of these operational procedures is to make law enforcement efforts professional and consistent throughout the State. By instituting reporting procedures, a product of reportable enforcement activities and compliance rates can be produced. The effect of which can be monitored and efforts changed to correspond with desired outputs.

In the Department's Strategic Plan, law enforcement activities are identified as strategies to meet objectives towards the administrative goal of providing an adequate and flexible system for furnishing direction, oversight and accountability. In addition, law enforcement activities are organized to support all Department divisions to meet planned outcomes for all Department programs. These operational procedures may include processes, which tie to specific objectives and strategies listed in various Department plans, wherein responsibilities for all law enforcement personnel are placed. Where applicable, the procedures may be tied to policies and/or officer performance plans.

2. LAW ENFORCEMENT ADMINISTRATION

As a statewide law enforcement agency, a major concern is the consistency and professionalism provided by the agency's officers. Law enforcement administration seeks to provide oversight and direction for statewide law enforcement activities and training. Law enforcement administration extends beyond the Law Enforcement Division in relation to this objective, and includes the Commission, Director, Assistant Director, Area Chiefs, Assistant Area Chiefs, District Wildlife Supervisors, and all others who directly effect the direction of the Department's law enforcement program.

The Law Enforcement Division provides technical guidance to divisions on projects as they relate to statutes and rules, legal limitations and training needs. In addition, the Division manages information systems that monitor the violations and prosecution of wildlife violators. The main systems are the Interstate Wildlife Violator Compact, the citation database in relation to license privilege revocation, the Operation Game Thief program and special use permits and authorizations.

3. LAW ENFORCEMENT OPERATIONS

In most cases, the wildlife conservation officer provides the primary contact relationship between the public and the Department. The wildlife officer provides law enforcement presence to deter, detect, investigate and prosecute wildlife violations. In order to develop an effective law enforcement operational program, it is imperative that supervisors monitor the day-to-day performance of the uniformed officer. It is also imperative that the supervisor monitor the information collected to prioritize enforcement efforts by detecting violation patterns, initiate innovative procedures to deter, apprehend and successfully prosecute wildlife law violators, utilize manpower to the best possible effect, and create a professional law enforcement operation. Written procedures are intended to clarify expectations and standardize operations; they should augment rather than replace direct communication between officers and their supervisory chain of command.

A. Law Enforcement Responsibilities: Area Operation Divisions are responsible for routine law enforcement operations within the respective areas, while the Law Enforcement Division is responsible for covert operations.

1. The Assistant Area Chief (AAC) will oversee overall law enforcement operations for the area. As necessary, this position will determine which operations will be a priority and may assign additional staff from the area and request additional assistance from other divisions to ensure successful operations. The AAC will coordinate all area-wide law enforcement activities.
2. The District Wildlife Supervisor (DWS) will construct an effective law enforcement program within the supervisory district taking into consideration the Department's Strategic Plan and species management plans to accomplish desired outcomes, while providing day to day visibility, compliance, deterrence (i.e. uniformed visibility with occasional plainclothes patrols), and public contacts.
3. The District Wildlife Supervisor, in concert with the Assistant Area Chief, will construct a calendar of law enforcement activities and assignments. The activities should include the following where applicable, and concentrate on special organized activities to accomplish wildlife management objectives and to address/solve identified concerns/issues.
 - a) Angler and hunter patrols
 - b) Roadblocks
 - c) Night patrols
 - d) Artificial Wildlife operations
 - e) Wilderness patrols
 - f) Aerial surveillance
 - g) OHV enforcement
 - h) AIS interdiction and enforcement

4. For purposes of this procedure manual, plainclothes operations are those in which the participating officer(s) are not readily identifiable as law enforcement personnel. Upon gaining knowledge and/or evidence of a violation, the plainclothes officer shall identify him/herself and take the appropriate action unless the violation will be immediately handled by another officer. In contrast, covert operations are those in which the operatives conceal their official identity throughout the operation in order to gain intelligence or evidence. The Law Enforcement Division has established separate procedures for covert operations including classification, approval, funding, assignments and supervision.
5. Law Enforcement Division shall provide support and leadership for complex investigations including covert investigations as well as special activities and training for statewide enforcement activities.

B. Law Enforcement Operations Procedures:

1. The Assistant Area Chief or Area Chief is authorized to approve, change or deny all aircraft patrol requests and Area roadblock plans. The pilot can cancel any aircraft activity.
2. The District Wildlife Supervisor, Assistant Area Chief, or Area Chief will consider approving or denying any artificial wildlife operation based on the necessity in accordance with State law, timing, manpower availability, weather conditions, or other conditions that affect the operation.
 - “A. Artificial wildlife operations shall only be used in areas where clear articulated information is available to demonstrate that violations of 17-2-31, 17-3-1 or shooting at, from or across a roadway are an issue and the use of the artificial wildlife is needed to address or solve the problem.
 - B. Artificial wildlife operations should not create an “unusual opportunity”, i.e. size, type and species not commonly viewed near a roadway, etc.
 - C. Officer in charge must assure that adequate safety precautions are taken while placing or retrieving any artificial specimen. During daytime usage, the use of blaze orange is encouraged during the placement or retrieval of artificial wildlife.
 - D. All artificial wildlife operations should be videotaped to aid in identifying people, assist in de-briefings and assist in prosecution.”
3. The Assistant Area Chief or higher position is authorized to approve plain-clothes patrols to assist in creating a deterrent to illegal activities. The District Wildlife Supervisor will submit requests for these patrols.
 - a) For the purpose of this section, plain-clothes patrols are not considered covert operations.
 - b) Officers shall carry all identification, including badge, to immediately identify themselves as officers if needed.
4. Whenever an artificial wildlife operation, plain-clothes patrol or any roadblock is conducted, an Officer in Charge (OIC) will be assigned.

- a) The OIC may be any commissioned Game and Fish officer in a permanent position and will be in charge of the operation in its entirety and remain on scene until the operation is complete.
 - b) The OIC will be responsible for approving the site selected for an artificial wildlife operation or roadblock.
 - c) Use of artificial wildlife must be conducted in an area that has a demonstrated current or historical pattern of wildlife and/or livestock usage.
 - d) Site selection should be based on minimizing any hazardous road or traffic situation for officers, violators, or the general public.
 - 1) Site selection for an artificial wildlife operation shall be based on its ability to ensure that the artificial wildlife is primarily visible from the roadway and from where the potential violator is intended to shoot.
 - 2) Site selection for daytime operations should be on roads where the officers can observe the entire area and be aware of the possibility of an individual stalking the artificial wildlife on foot.
 - e) Written permission must be obtained prior to the commencement of any artificial wildlife operation on private property.
 - f) Enforcement vehicles shall be strategically located to provide site control and violator apprehension.
5. Individuals working on search warrants shall coordinate with the appropriate District Wildlife Supervisor and shall notify the respective Division Chief or their designee prior to the service of a warrant.
6. All commissioned officers will initiate investigations within 5 working days of receiving notification or detecting a violation. In the event an officer foresees scheduling conflicts that will prevent the initiation of an investigation within 5 working days; the officer will forward the information to the District Wildlife Supervisor within 24 hours for reassignment or an extension of the initiation time.
- a) Investigating officers will be responsible for collecting evidence, preparing reports, and conducting investigations consistent with training obtained through the Department of Public Safety, the Department of Game and Fish, advanced training, etc.
 - b) Officers on temporary assignment will contact the OIC or the District Wildlife Supervisor prior to leaving the assignment, and advise of all investigations that were handled or are still pending.
 - c) When officers require "Out of Area" travel to conduct an investigation, the investigating officer in conjunction with their supervisor will review the case. The officer's immediate supervisor will make the determination on approving the travel.
 - d) When officers require "Out of State" travel to conduct an investigation, an initial case report will be presented to the officer's respective Assistant Chief for his/her review through the immediate supervisor.

The initial case report will list all individuals involved, locations of individuals, locations of wildlife/evidence, potential length of investigation, and critical sensitive information about the case. This will be done in a timely manner.

- e) On all “Out of State” cases that require per diem travel, the Assistant Chief will contact the Law Enforcement Division.
- f) The Assistant Area Chief in conjunction with the Assistant Chief of Law Enforcement will review the case and determine the following:
 - 1) type of crime
 - 2) personnel needs
 - 3) if the travel is required or needed
 - 4) case agent
 - 5) people to be involved in the investigation (i.e. other LE personnel, attorney, investigator, prosecutor, etc.)
- g) The Assistant Area Chief or higher supervisor in the chain will determine who will conduct the investigation based on:
 - 1) personnel needs
 - 2) time length of case investigation
 - 3) federal agency involvement
 - 4) workloads of District Wildlife Supervisor and District Wildlife Officer
- h) All out of state investigations conducted by area officers must be approved following the proper Department travel request procedures.

4. CRIMINAL CHARGING AND CIVIL LIABILITY

Officers shall have discretion in filing charges and pursuing civil liability for any case where evidence and information indicates that any unlawful act was an accident. For the purposes of this discretion an accident is circumstances where a person exercises all reasonable precautions but due to unforeseeable circumstances or happenstance a protected species is killed, taken, injured or resulted in attempted take contrary to law or rule.

If the unlawful act is not an accident, then officers will file charges and pursue civil liability in accordance with the evidence and information that is obtained from the individual case. Nothing will prevent an officer from dismissing a case at the officer's or supervisor's discretion when exculpatory factors are discovered, or court procedures, Department policy or operational guidelines require such.

5. EVIDENCE SEIZURE AND HANDLING

Evidence, including firearms, bows and arrows, spotlights, hunting and fishing licenses, meat, carcasses or other items, may be seized as evidence to prove the elements of the crime existed or for testing to aid in prosecution.

A. Handling of Evidence

1. Receipts will be issued and/or search warrant inventories will be prepared for all seized items, even if the seizure is temporary and the item is immediately returned (exemption – items removed only to enhance safety but will be returned at the conclusion of the contact do not need to have a receipt issued);
2. Items retained in department custody will have a chain of custody tag attached;
3. Retained items will be relayed to an evidence custodian and secured in a department safe, freezer or secured storage area at an approved location, (i.e. jail facility or law enforcement agency);
 - a) The evidence custodian will keep a complete inventory of all items retained and at the end of each quarter the evidence custodian shall furnish to the Assistant Area Chief a complete list of the inventory and disposition of all evidence.
 - b) The designated evidence custodian for each storage area will maintain an evidence log for the storage area on a form approved by Law Enforcement Division.
 - c) The Assistant Area Chief or Assistant Chief of Law Enforcement may periodically inspect the evidence logs of each storage area to assure that they are being completed accurately and chain of custody is being met.
4. Upon completion of a forfeiture under 17-2-20.1 or 29-1-14, the forfeited item including the proper verification authorizing ownership or disposal, will be delivered to the Assistant Chief of Law Enforcement, who will maintain an inventory and properly dispose of the forfeited item, consistent with court order and state statutes;
5. All perishable evidence will be disposed of in accordance with 17-2-21 and 17-2-22. Cold storage facilities will be secured and shall be the responsibility of the Evidence Custodian; and
6. Unclaimed evidence will be disposed of in accordance with 29-1-14. When evidence is no longer needed for prosecution it will be returned back to the individual with the proper receipts completely filled out.

B. Exceptions:

1. Items qualifying as pure contraband and/or described as an illegal device under §17-2-20 NMSA 1978 will be seized and destroyed.
2. Contraband shall be turned over to the appropriate enforcement agency or jurisdiction, or disposed of after obtaining a destruction or disposition order from a court.
3. A memorandum to the Assistant Area Chief and District Wildlife Supervisor will be submitted to serve as documentation verifying destruction or transfer of any such articles.
4. Destruction of any item(s) will be in the presence of a witness.

6. CIVIL ASSESSMENTS

Civil assessments are authorized by 17-2-26 NMSA 1978 and are governed by rules of civil procedure, 19.30.11 NMAC and Policy RM 409 in conjunction with the procedures contained in this section. Civil action may be brought against a person or persons in any court of jurisdiction in New Mexico for the purpose of collecting damages or compensation for the state's loss of wildlife when game and fish laws have been violated. The defendant should be offered the opportunity to pay such damages without formal court action. If civil damages are not paid voluntarily, a civil complaint shall be filed in court as outlined below.

A. Civil Assessment Procedures - A voluntary civil damage assessment will be paid, or a civil complaint will be filed, in all cases involving the following:

1. Any game animal or game bird unlawfully wounded, killed or possessed;
2. Any big game animal or turkey, taken or possessed in excess of the bag limit;
3. Any game fish taken from closed waters;
4. Any game fish held in excess of the bag limit, when the limit has been exceeded by two or more; or:
5. Any game fish held in excess of the bag limit in designated quality waters with a restricted or reduced bag limit, e.g. San Juan quality water section;
6. Any game bird, except turkey, held in excess of the bag limit, when the limit has been exceeded by two or more.

Exception: In cases where the officer has determined that the killing of the animal was accidental a civil assessment need not be levied.

B. Receipt of Civil Assessment - Upon receipt of a civil damage assessment payment, the officer must immediately issue the defendant an itemized receipt for the amount paid. A copy of the receipt and the appropriate funds will be delivered or mailed to the appropriate area office within 24 hours. All funds mailed by the officer will be in the form of money order, cashier's check, or defendant's personal check made out to the New Mexico Department of Game and Fish. Before issuing a receipt, the New Mexico Department of Game and Fish reserves the right to verify that sufficient funds are present.

1. In civil cases where money is collected by the court for the Department of Game and Fish, the officer will issue the receipt to the court upon receipt of the money.
2. Partial payment of a voluntary civil damage assessment may be made pursuant to a written allowance by an officer or pursuant to a court order. Each time any payment is made, a civil assessment receipt will be issued. The Law Enforcement Division shall assist officers in payer allowance details.
3. Any payer who refuses to pay or fails to pay according to a written allowance shall be charged civilly for the remainder of their payments and any additional court and attorney fees.

- C. **Assessment Amounts:** The amounts will be assessed uniformly throughout the state according to 17-2-26 NMSA 1978 and 19.30.11 NMAC.

7. LAW ENFORCEMENT DOCUMENTATION

All commissioned officers must complete all documentation associated with law enforcement actions, cases, or investigations assuring that the elements of the crime are met, evidence is collected and catalogued, and the facts are reported accurately, including exculpatory evidence. Officers will familiarize themselves with all Department procedures regarding when and how various forms of paperwork associated with law enforcement activities will be completed, in addition to recognizing the difference between civil and criminal procedures for the magistrate and district courts. Deadlines pertaining to law enforcement documentation may only be extended with supervisor approval.

A. Citations:

The Law Enforcement Division will issue citations books to the area offices and to Santa Fe office commissioned personnel. Citation books will be issued in sequence and the Law Enforcement Division and area offices will maintain a log of citation books issued.

Citations will be completed for all violations prosecuted by Department officers. Officers will assure that all citations are written legibly, have the proper venue, have the correct statute or regulation number, and reflect the essential elements of the crime. When a charge is filed against an individual on a criminal complaint in court, the charging officer will complete a citation with the appropriate information in accordance with the procedures outlined under "Tracking Citations".

B. Citation Definitions:

1. **Reviewer** - shall mean an officer's direct supervisor, unless that supervisor is non-commissioned, in which case it will be the Area Assistant Chief where the citation was issued.
2. **Data-Entry** - shall mean the issuing officer's Division office staff, unless that office is not within area operations or law enforcement, in which case it shall mean the Law Enforcement Division office.
3. **Tracking Citation** - shall mean a citation not requiring a defendant's signature that is completed in association with a criminal complaint for the purpose of tracking the final disposition of the case in the revocation system not requiring a defendant's signature and routed following the distribution procedures below.

C. Citation Distribution Procedures:

1. Non Traffic Citations – Court Appearance
 - a) Court Copy (Original) and Abstract Copy -- goes to the appropriate court or venue. Upon completion of the case, the abstract copy is returned to the Law Enforcement Division in Santa Fe.
 - b) Statistical Copy--goes to the reviewer for review and is then forwarded to data-entry where it is held in suspense, pending termination of the case. It is then returned to the issuing officer for his/her permanent file.
 - c) Defendant Copy--goes to the defendant at the time the citation is completed. In cases where the officer does not contact the defendant (tracking citation), it may be destroyed.
 - d) Agency Copy--remains with the issuing officer until final disposition of the case is acquired. The back of the citation is to be completed immediately and forwarded to data-entry through the reviewer.
 - e) Once received, entry will be made into the citation database and the copy kept as a permanent file. The agency copy will be kept at the data-entry level.
2. Non Traffic Citations – Penalty Assessment
 - a) Court Copy (Original) and Abstract Copy will be sent to the DWS. The DWS will review and forward the copies to the Area Office. The reviewer will examine the citation and forward it to data-entry.
 - b) Once entered into the citation database, data-entry will mail the court copy and abstract copy to Revocation Program Manager for license vending, processing and updating into the citation database.
 - c) Defendant Copy -- goes to the defendant at the time the citation is completed with instructions on how, when and where to pay the penalty assessment.
 - d) Issuing Agency Copy-- will be kept as permanent file at the area office.
 - e) Statistical Copy-- will be kept in the district officer's file.
3. Traffic Citations – Court Appearance
 - a) Court Copy (Original) and Abstract Copy -- goes to the appropriate court or venue. Upon completion of the case, this copy is returned to the Law Enforcement Division in Santa Fe.
 - b) Defendant Copy--goes to the defendant at the time the citation is completed. In cases where the officer does not contact the defendant, it may be destroyed.
 - c) Issuing Agency Copy--the officer makes a photocopy of the issuing agency copy and sends the photocopy to data entry. After the officer gets the case disposition, they forward the completed Issuing Agency copy [including disposition] to their reviewer.
 - d) After reviewing the finalized issuing agency copy, the DWS then sends the photocopy back to the officer for their files and the completed

issuing agency copy is sent data-entry who will forward it to the OHV Program Manager.

- e) In the case of warning and voided traffic citations court copy shall be routed to the Motor Vehicle Division, Penalty Assessment Section, Driver's Services Bureau, PO BOX 25130, Santa Fe, New Mexico 87504-5130.
- f) Upon completion of the case, abstract copy is forwarded to Motor Vehicle Division from the Magistrate Court.

4. Traffic Citations – Penalty Assessment Citations

- a) Court Copy (Original) and Abstract Copy are to be sent to the DWS. The DWS will review and forward copies to Area Office. The reviewer will examine the citation, and then forward the penalty assessment to Motor Vehicle Division Driver Services Bureau (Motor Vehicle Division Driver Services Bureau PO Box 1028 Santa Fe NM 87504-1028).
- b) Defendant Copy--goes to the defendant at the time the citation is completed with instructions on where, when and how to pay penalty assessment to Motor Vehicle Division.
- c) Issuing Agency Copy -- The citing officer is responsible for sending the agency copy to area office with disposition and to make a photocopy for district file.
- d) After making photocopy of citation, the issuing agency copy forwarded to the OHV Program manager.

5. Exceptions

- a) Voided Citations -- In the case of a voided citation, the officer will keep the statistical copy for his/her permanent file. The officer will forward all other copies directly to data-entry. Data-entry will retain the agency copy and destroy all remaining copies.
- b) Warning Citations -- In the case of a warning citation, the officer issues the defendant's copy and keeps the statistical copy for his/her permanent file. The officer forwards the remaining copies to the reviewer for review, who will forward the agency and abstract copies to data-entry. The remaining copies are to be destroyed. The agency copy is filed at data-entry and the abstract copy is sent to the Law Enforcement Division for filing.
- c) Tracking Citations – In the case of a tracking citation, the abstract copy should be submitted to the respective court at the same time as the criminal complaint. The officer will keep the agency copy until the final disposition of the case is acquired. All other copies of the citation will be forwarded to the reviewer with a copy of the criminal complaint, who will in turn forward the statistical copy to data-entry. The reviewer will destroy the remaining copies. Once a final disposition of the case is available, the officer will complete the agency copy of the tracking citation and forward

to the reviewer, who will in turn forward the agency copy to data-entry. A tracking citation need not be forwarded to the defendant.

6. Citation Routing Deadlines - The following deadlines are to be followed when routing citations.
 - a) Citation copies being routed through the reviewer will be submitted within five working days.
 - b) After the reviewer receives copies of the citation, he/she will review them for correctness and then forward them to data-entry within three working days.
 1. In the event that any corrections are needed, the reviewer will return the citation to the issuing officer within five working days. If a correction is needed on a citation, it will be amended through the proper procedures of the court.
 2. The issuing officer will return the amended citation to the reviewer within three working days. The reviewer will again review the citation and then forward to data-entry.
 3. If the officer is to go on extended leave, citation submittal will be done prior to any leave taken.
 - c) The Area Assistant Chief at each data-entry location will be responsible for ensuring that the information contained on their Divisions citations are entered into the citation database.
 1. Information contained on a citation will be accurately entered into the citation database within fifteen days of receipt of that citation at data-entry.
 2. The Assistant Area Chief will be responsible for periodically reviewing pending citations to make sure there is compliance with proper procedures.
 - d) The citation copies being forwarded to the court will be in place prior to any arraignment.
 - e) If a citation is issued to a repeat offender, it is imperative that prior convictions for the defendant that would have a bearing on sentencing be submitted to the court in time for arraignment.
 - f) As long as a citation is pending the issuing officer will check on its status monthly and report the status on the Monthly Law Enforcement Report form.
 - g) The reviewer will be responsible for ensuring that all pending citations reviewed are handled in a prompt and thorough manner. No citation will remain in effect after the time period designated by Magistrate Court Rule 6-506 (the six month rule), unless there is a valid arrest warrant in place.

D. Warrants

1. Failure to Appear Warrants --If an arrest warrant is obtained for failure to appear, the officer will execute it within 30 working days and note it on the

Monthly Law Enforcement Summary. If an officer is unable to execute the warrant within this timeframe, the reason shall be noted on each monthly Law Enforcement Summary and that it remains pending. If the citation and resulting arrest warrant is issued to a non-resident, the warrant will remain active until the individual comes into compliance or otherwise as indicated in Rules for Criminal Procedure. The citing officer will also contact the Law Enforcement Division to initiate Interstate Wildlife Violator Compact sanctions. If applicable, the Division will initiate the Defendant's Notice of Failure to Comply revocation or suspension process with the appropriate Wildlife Violator Compact member state.

2. Arrest Warrants -- If an arrest warrant is obtained upon a sworn statement of the facts showing probable cause that an offense has been committed, the officer will execute it as soon as reasonably possible. The service of the warrant shall be noted on the Monthly Law Enforcement Summary. If an officer is unable to execute the warrant within this timeframe, attempts to serve it will continue until it is successfully served or 18 months time has elapsed. Once the 18-month time period elapses and the individual has not been located, the case shall be reviewed with the supervisor to determine if the case will remain in effect or dismissed. The complaint shall be dismissed and any pending citation turned in at the end of 24 months if the warrant has not been served.
3. NMCIC Warrant Entry – It will be the responsibility of the citing officer to ensure that all warrants are properly entered into the New Mexico NMCIC database.
 - a) If the case officer has not been able to execute an arrest warrant within the initial 30 working days, it shall be the case officer's responsibility to ensure that the warrant is entered into the NMCIC database.
 - b) If the complaint is dismissed after the 24 month time period, the case officer shall ensure that the warrant is immediately removed from the NMCIC database.

E. Road Blocks, Night Patrols, Artificial Wildlife Ops Documentation

1. The Officer in Charge (OIC) will be responsible for completing a night patrol, artificial wildlife, or roadblock report form for each operation and submitting it to their respective supervisor.
2. The District Wildlife Supervisor (DWS) will be responsible for submitting the proper documentation on each and every night patrol, artificial wildlife operation and roadblock to the Area Assistant Chief.
3. The Assistant Area Chief will make sure that all night patrol, artificial wildlife and roadblock forms are accurately completed for the area. A copy of all forms will be forwarded to the Assistant Chief of Law Enforcement.

F. Documentation of Investigative Violations

1. All commissioned officers will document essential facts of every violation investigated or law enforcement action taken.
2. Documentation of a simple violation may be documented on the citation if it provides adequate details for prosecution.
3. For more detailed investigations officers shall ensure that a case report or incident report is filed outlining the essential facts of every violation investigated and/or law enforcement action taken in accordance with these procedures.
4. Supervisors may require an officer or non-commissioned employee to document any official action.
5. Officers are not required to write a case report for minor violations including fishing or stamp violations, off-highway vehicle and Chapter 17 penalty assessments, littering and warnings unless a supervisor believes essential elements and events need to be documented because of a possible conflict, concern or unique circumstance about the incident.

G. Case Report Procedures

1. Officers will prepare reports pertaining to violations and law enforcement actions on the Department's standardized report forms. The report will include who, what, where, when, why, and how. The report will also include a UTM grid for the location of the violation.
2. An initial draft report will be prepared and forwarded to the District Wildlife Supervisor within whose supervisory district the violation occurred within five working days from the time the violation was investigated by the officer or when law enforcement action was taken. If the officer is to go on extended leave, draft report submittal will be done prior to any leave being taken.
 - a) Exception: Law Enforcement Division personnel will forward initial draft reports to their immediate supervisor.
 - b) Exception: Recruits will submit their reports to their Field Training Officer (FTO) for initial review. The FTO will then submit the report to the appropriate DWS within seven working days from the time the violation was investigated by the officer or when law enforcement action was taken, for review.
3. The reviewing supervisor will return case reports needing correction to the reporting officer within five working days.
4. Following corrections by the reporting officer, the report will be submitted back to the reviewing supervisor within three working days. If the officer is to go on extended leave, the corrected final report submittal will be done immediately before any leave is taken.
 - a) After the reviewing supervisor receives the corrected copy of the case report, it shall be reviewed again for correctness and forwarded to the Area office within three working days.
 - b) Area secretaries or assigned personnel will copy and route all reports to:

1. Area Assistant Chief
 2. Law Enforcement Division
 3. Other officers as designated by case officer
 4. District Wildlife Supervisors
- c) If the appropriate supervisor is not available for an extended period of time, i.e. leave, the officer will forward case reports to the acting supervisor. In the case of no acting supervisor, reports will be forwarded to the Area Assistant Chief.
- d) The DWS and Area Assistant Chief will be responsible for detecting errors with reports, i.e. grammatical errors, incorrect statutes or regulations, elements of the crime, etc.
- e) Only signed copies of case reports will be authorized for distribution to prosecutors or other officers. The primary investigating officer will keep all original signed copies of reports.
- f) Reports and other documents relating to administrative or covert investigations or designated as sensitive by the Chief of Law Enforcement or above in the chain of command will be written and routed per specific instructions and allowances. These types of reports may not be forwarded to the Area office or District Wildlife Supervisor.

H OGT Reports - - In the case of an Operation Game Thief (OGT) report, the investigation and reporting timeline will follow the guidelines as described above in Case Report Procedures section. Additionally, the following steps shall be performed for all OGT's:

1. Once charges have been filed on suspects involved with an OGT report, the OGT report form will be completed, and an electronic version will be mailed to the District Wildlife Supervisor, Area Assistant Chief and the Assistant Chief of Law Enforcement.
2. Once a court disposition is received on suspects involved with an OGT report, the disposition portion of the original OGT report form will be completed and an electronic version will be mailed to the District Wildlife Supervisor, Area Assistant Chief, and the Assistant Chief of Law Enforcement.

I. Monthly Law Enforcement Reports - -All officers will record all citations and field contacts on the appropriate forms (the Monthly Law Enforcement Contact Report and the Monthly Law Enforcement Report). All officers will submit these forms with their monthly reports to their supervisor, who will forward them to the Area Secretary.

1. Officers will submit a Monthly Law Enforcement Report that gives specific details and current status of each new citation issued during the E.A.R. period. Officers will also include details and status on citations, which were listed as pending during the previous E.A.R. periods.
2. The status of all investigations newly initiated or carried over from the previous report period will be reported on the Monthly Law Enforcement Report form and submitted with the officer's monthly reports.

3. When the disposition and civil assessment (if applicable) has been completed, the "Date Completed" box will be so noted. No citations for violations that require civil assessments will be considered completed until the civil damages have been collected in full. Once the status of a case or citation is complete, the citation or case no longer needs to be carried over to the next Monthly Law Enforcement Report.
4. Supervisors will review the Monthly Law Enforcement Report to monitor each officer's efforts to clear pending citations and to assure civil assessments are pursued as per policy. The District Wildlife Supervisor will maintain a file in such a manner that patterns of violations can be determined.
5. The Area Assistant Chief will monitor the Monthly Law Enforcement Reports for all area officers including the Area Chief, District Wildlife Supervisors and staff specialists.
6. Officers will submit a Monthly Field Contact Report that gives specific details on patrol activities conducted during the E.A.R. period. Officers will also include details on areas or waters patrolled, numbers of contacts made and the number of citations issued associated with the areas patrolled.
7. The area will compile all area field contact reports and citation into an Area Officer Field Contact Monthly Report. This report will be reviewed by the Assistant Area Chief and then forwarded to the Law Enforcement Division designee and to the District Wildlife Supervisors.

8. POSSESSION OF PROTECTED ANIMAL PARTS

Officers routinely acquire parts of protected animals (hides, horns, heads, antlers, etc.) in the normal course of their duties. These parts may come from many sources including but not limited to road-kills, animals that died of natural causes or protected species that were collected as evidence. In most cases, these parts will be disposed of per 17-2-21. Parts from protected animals can be retained only for law enforcement use, educational purposes or for legitimate scientific purposes and only with written Area Chief approval. All such animal parts must be marked or tagged as property of the Department, except parts that have been modified for use on artificial wildlife.

Parts approved for law enforcement use, educational purposes or for legitimate scientific purposes shall be returned to the Department by the officer prior to separation of employment.

9. RESERVE CONSERVATION OFFICERS

The use of volunteer Reserve Conservation Officers (RCOs) can be an effective tool for protecting New Mexico's wildlife resource and should be encouraged. Once commissioned, RCOs while under the direct supervision of a wildlife conservation officer shall enforce the laws and regulations of the state game commission pursuant to Sections 17-1-7 through 17-1-10. RCOs are not authorized to issue citations for violations. They will not seize evidence in association with a violation except under the direct supervision of wildlife conservation officer. In the event an RCO observes a violation when not in

the company of a regular Department officer, he/she is to obtain as much information about the violation as possible and turn this information over to a district officer as soon as is reasonably possible.

10. TRAINING AND DEVELOPMENT

Training and development, both for certification and officer proficiency, is an integral part of law enforcement.

In addition to meeting the New Mexico Department of Public Safety (NMDPS) training requirements, officers should identify training needs to address weaknesses and deficiencies when seeking additional training opportunities. All applications for training must be routed through the officer's division chief for approval prior to submission.

The District Wildlife Supervisor and Area Assistant Chief will be responsible for identifying and ensuring the training requirements of officers are met annually. All officers are encouraged to identify training needs and suggest improvements to training programs.

All Department NMDPS certified instructors shall instruct at least one (1) certified training class during each NMDPS certification training period. Instructors not teaching during this time period will become ineligible to teach. Instructors may regain eligibility status by retaking the instructor certification course or upon approval by the Chief of Law Enforcement.

It is the responsibility of officers participating in training/qualifications to wear and utilize the appropriate equipment. Law enforcement instructors conducting training shall specify required equipment and any specific requirements of participation. Law enforcement instructors may remove any officer from training sessions for safety related reasons.

Annual training requirements apply equally to all commissioned officers.

A. Proficiency Maintenance And Testing

1. Firearms Qualification/Training

- a) Trainee officers will be required to qualify two consecutive times with a minimum score of eighty (80) percent with a primary handgun on both day and night NMDPS qualification courses prior to completion of recruit firearms training. Trainee officers who fail to qualify as required will be remediated as much as reasonably possible during recruit firearms training. Trainees must demonstrate proficiency by shooting consecutive passing scores on qualification courses with a primary handgun prior to completion of recruit firearms training or are subject to recycling or termination.
- b) Each commissioned officer will qualify as required by the department on NMDPS qualification courses according to NMDPS rules. Only those

- agency personnel demonstrating proficiency in the use of department authorized weapons will be approved to carry such weapons.
- c) All officers must annually successfully qualify to NMDPS standards with a primary handgun. The Chief of Law Enforcement may further specify training and qualification standards for commissioned officers.
 - d) Officers who choose to carry a duty shotgun or duty rifle must meet training and qualification standards as specified annually by the Chief of Law Enforcement.
 - e) The course of fire for back up handguns will be specified annually by the Chief of Law Enforcement.
 - f) All training and qualifications shall be documented by the firearm instructor in charge and a copy of the signed training roster and any qualification scores must be kept by the instructor in charge for at least 3 years, with a copy of the signed roster and qualification sent to the Assistant Chief of Law Enforcement or their designee within 30 days of training. Assistant Chief of Law Enforcement will ensure signed qualification rosters are provided to NMDPS.
 - g) Department firearms training and qualifications will be conducted and supervised by NMDPS certified firearms instructors. A NMDPS firearms instructor will be in charge of each training and qualification session. The NMDPS firearms instructor will:
 - 1. Ensure all weapons are checked for safety and serviceability prior to qualification. If a Department issued weapon is found to be unsafe, in disrepair, or unserviceable, the NMDPS firearms instructor will immediately notify the officer's chain of command and a department armorer for appropriate disposition. The officer will be issued a replacement weapon. A personally owned firearm deemed unsafe for duty use by any department firearm instructor or law enforcement supervisor will be removed from duty use until certified fit for duty by a certified armorer.
 - 2. Review firearms safety rules and any specific range rules with participants prior to live fire sessions.
 - 3. Conduct all phases of qualification as prescribed by the NMDPS training bureau and ensure all target scoring is done according to NMDPS training bureau standards.
 - 4. Ensure all scoring is forwarded to the Law Enforcement Division.
 - h) Any firearms training lesson plans and courses of fire will be co-developed and maintained by the law enforcement division on an annual basis.
 - i) In cases of extended leave, an officer must make up qualifications he/she missed within thirty days of returning to duty.
2. Failure to successfully qualify will be addressed as follows:
- a) If an officer fails to qualify by failing to achieve at least a minimum score of 80% with their primary handgun, the officer will be given up to two more attempts to pass the course within 48 hours.

- b) If the officer cannot successfully pass the course in these three attempts within 48 hours, the NMDPS firearms instructor will immediately notify the officer's supervisor, Area Chief and the Chief of Law Enforcement. A remedial firearms training schedule shall be immediately developed and if approved by the Area Chief and the Chief of Law Enforcement, then the officer must adhere to this schedule and successfully complete the training requirements and qualifications as prescribed. In circumstances where an officer has failed at least 2 different firearms qualification sessions after receiving the approved remedial training, the supervisor will immediately reassign the officer to a setting to perform strictly "administrative duties" under law enforcement suspension.
 - c) If the officer fails to qualify with his/her primary handgun then he/she shall not be permitted to perform "law enforcement duties" until the officer has passed the remedial training procedure below.
3. Procedure for Remedial Firearms Training
- a) Upon completion of an approved and documented remedial training provided by a NMDPS firearms instructor and at least two minimum scores of 80% on the failed course, the officer will have met their qualification requirements.
 - b) Should the officer fail to qualify as outlined above the NMDPS firearms instructor will notify the officer's immediate supervisor, Area Chief and the Chief of Law Enforcement. The Area Chief or Chief of Law Enforcement shall notify the Assistant Director of the circumstances and training deficiencies.
 - c) The Assistant Director, along the appropriate supervisory chain will determine if the officer may be reassigned other duties or initiate another action, which may include dismissal.

B. Intermediate Weapons and Use of Force Proficiency Maintenance

1. Reality Based Training
- a) All officers will participate in scenario or reality based training annually. This session will allow for training that could include intermediate force, show of force, low light shooting, and simulations designed to teach other practical applications of use of force including but not limited to deadly-force and intermediate force decision making.
 - b) Officers may only miss this training by approved excusal from their Area Chief or Assistant Director.
 - c) Officers must complete all firearms and use of force training by December 31st of each year, unless they have been authorized and excused to miss this training by their Area Chief or Assistant Director.
2. Defensive Tactics Training
- a) All officers will participate in defensive tactics training annually as specified by the Law Enforcement Division.

- b) Training will include subject restraint, imposition of custody, subject control, and use of related equipment.
- c) Legalities of police use of force will be reviewed at each training session according to lesson plans approved by the Law Enforcement Division.
- d) Officers may only miss this training by approved excusal from their Area Chief or Assistant Director.
- e) Those who miss the training must attend another future approved training that is similar in nature.

C. RCO Training Requirements

1. It is the responsibility of the District Wildlife Supervisor or his designee to conduct and ensure that all RCO training requirements are met. Training should include all aspects of the Department's operations such as enforcement, public affairs, game management, fish management, and other specialized Department functions.
2. Prior to being commissioned: A minimum of 40 hours in the field in the company of a full-time officer of the Department or attendance at the department's recruit school is required. The 40 hours in the field will cover procedures and techniques of wildlife management, law enforcement, public relations and such other subjects as may be deemed desirable by the Department.
3. Proficiency Maintenance and Testing: RCOs shall meet the annual training requirements as listed in this section of the Statewide Law Enforcement Operational Procedures.
4. It is the responsibility of the District Wildlife Supervisor to ensure that RCOs are kept apprised of and updated on new laws, regulations, policies, and procedures relevant to their position as an RCO.

11. PUBLIC INFORMATION AND OUTREACH

A cornerstone to a successful law enforcement program involves the ability to educate the public and to disseminate pertinent information that bolster compliance and increase public support. It is advantageous to the Department to highlight key cases that showcase our officers' ability to apprehend and deter wildlife crime. This approach if carried out properly will also garner public and community support, leading to better community relations.

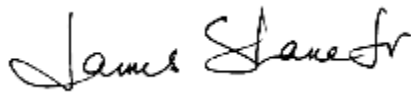
Operation Game Thief has evolved around the principal that the public has a vested interest in wildlife protection and has the ability to help identify criminal activity. Without two-way communication, the public becomes disinterested and public interest, participation and/or awareness declines. Department officers are expected to report the facts and/or circumstances related to any significant cases through their chain of command for the purpose of disseminating information to the public.

Each Area Assistant Chief (or designee) shall make every reasonable attempt to report the relevant facts pertaining to any noteworthy cases to Santa Fe Public Information and Outreach Division for publication. Noteworthy cases include those with unusual or significant circumstances that would enhance the public's knowledge and/or interest. Numerous defendants, high penalties, numerous animals, etc. would fit within this definition. The Area Assistant Chief will coordinate with the Public Information and Outreach Division to ensure that the release of information does not jeopardize an ongoing investigation, its prosecution or expose the Department to civil liability.

12. MODIFICATION OF PROCEDURES

The Statewide Law Enforcement Operational Procedures may be modified or extended at any time by the Director. Changes to these procedures will be posted on TRACKS and sent to officers either electronically or by mail.

This operational procedure was approved and implemented by:



James S. Lane, Jr., Director

3/23/2012

Date